

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CAROL J. HOWARD,  
Plaintiff,

v.

Civil Action No: 1:11CV205

City of Clarksburg officials,  
Martin Howe, City Manager,  
Adam Barberio - Code Enforcement  
Ralph Peterson - City appellant. B.O.C.A.  
Defendants.

**REPORT AND RECOMMENDATION/OPINION**

I  
Procedural History

Carol Howard [Howard] filed a complaint against the above styled Defendants on December 22, 2011 [DE 1]. Howard alleged her “Civil Rights have been violated by these people.” Howard does not state any facts in the Complaint with respect to how “these people” violated her “civil rights.” Howard does not state any facts in the Complaint to support what “civil rights” she claims were violated by “these people.”

The Clerk provided Howard with Notice of General Guidelines For Appearing Pro Se in Federal Court on December 22, 2011 [DE 3]. Of significant import, the Notice directed Plaintiff to keep the Court and opposing counsel, if any, advised of her most current address at all times, and warned explicitly that “**Failure to do so may result in your action being dismissed without prejudice.**”

Howard filed an Amended Complaint on December 27, 2011 [DE 5]. The Amended Complaint makes unintelligible claims of: “1/ CAPITALISM; 2. RACKETEERING; 3. EXTORTION; 4. MONEY LAUNDERING; 5. ESPIONAGE; 6. TRESPASSING [sic]; 7. CONSPIRACY; 8. FRAUDALENT [sic] USE OF FEDERAL MONEY SCHEMES; 9.

INCONSIDERATE & INSENSITIVE; 10. OBSTRUCTION OF JUSTICE; 11. RACIAL PROFILING; 12. MANDATING THIER OWN LAWS [sic]; and 13. LACK OF DUE PROCESS.”

Howard filed yet another document on January 10, 2012 [DE 6] stating therein “[o]ther charges I feel have been violated in my behalf” as: “1. Comradeny [sic]; 2. Exploitation; 3. Treason; 4. Conspiracey [sic]; 5. Nepotism; 6. Thievery and liars; 7. Bribery and Forgery; and 8. Prejudice.” These charges are likewise unintelligible.

On April 25, 2012, the undersigned Ordered Plaintiff to file an amended complaint which is compliant with FRCivP 8 (a) within thirty [30] days of the Order. The Court provided the language of Rule 8. The Clerk served Howard with a copy of the April 25, 2012, Order by certified mail addressed to Howard’s last known address as shown on the docket of this case. Mailing of the copy of the Order to Howard by the Clerk constituted notice to and service on Howard of the Order.

The Order warned that failure of Howard to file an amended complaint which is compliant with FRCivP 8(a) and any other FRCivP may result in Howard’s complaint being Recommended For Dismissal by the undersigned United States Magistrate Judge.

The United States District Court provides information on its web site to assist those such as Howard who appear pro se in Federal Court. Included in the web site are links entitled “Representing Yourself in Federal Court” and “Forms” which includes “Prisoner/Pro Se Forms.”

Notwithstanding the Clerk’s December 22, 2011 Notice of General Guidelines For Appearing Pro Se in Federal Court there is no evidence of record that Howard availed herself of any of the information or forms from the Court’s web site.

Howard’s filings [DE 1, 5 and 6] fail to comply with FRCivP 8(a) in that they individually or when read together fail to set forth any jurisdictional basis; fail to make a short and plain statement of the claim or claims showing Howard to be entitled to relief; and fail to make any

intelligible demand for relief sought.

On April 30, 2012, the clerk received the mailing containing the April 25, 2012, Order as “Returned as Undeliverable.”

On May 9, 2012, the Court granted Plaintiff’s Motion to proceed in forma pauperis, but directed that any service of the complaint be held in abeyance until Plaintiff complied with the Court’s April 30, 2012, Order.

The mailing containing the May 9, 2012, Order was also returned to the clerk as undeliverable.

Plaintiff has therefore failed to comply with the Court’s order directing her to amend her complaint, and has also failed to keep the Court apprised of her mailing address, as directed in the Notice of General Guidelines for Appearing Pro Se in Federal Court.

The undersigned United States Magistrate Judge therefore recommends Plaintiff’s Complaint be **DISMISSED WITHOUT PREJUDICE**.

#### **RECOMMENDATION**

For all the above reasons, the undersigned United States Magistrate Judge respectfully **RECOMMENDS** Plaintiff’s Complaint be **DISMISSED WITHOUT PREJUDICE**.

Any party may, within fourteen (14) calendar days after being served with a copy of this Report and Recommendation, file with the Clerk of the Court written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection. A copy of such objections should be submitted to the Honorable Irene M. Keeley, United States District Judge. Failure to timely file objections to the Report and Recommendation set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such Report and Recommendation. 28 U.S.C. § 636(b)(1); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert.

denied, 467 U.S. 1208 (1984); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); Thomas v. Arn, 474 U.S. 140 (1985).

The Clerk of the Court is directed to send a copy of this Report and Recommendation to Plaintiff, *pro se*, by Certified Mail, Return Receipt Requested.

Respectfully submitted this 1<sup>st</sup> day of June , 2012.

*John S. Kaul*

JOHN S. KAULL  
UNITED STATES MAGISTRATE JUDGE